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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/066,874	02/04/2002	Hans-Joachim Timpe	A34880-065838.0325	4791

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EXAMINER

GILLIAM, BARBARA LEE

ART UNIT PAPER NUMBER

1752

DATE MAILED: 10/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/066,874

Applicant(s)

TIMPE ET AL.

Examiner

Barbara Gilliam

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-10 and 12-15 is/are allowed.
- 6) ☒ Claim(s) 16,24-28,31,33 and 34 is/are rejected.
- 7) ☒ Claim(s) 11,17-23,29,30,32,35 and 36 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4,9.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claims

1. Claims 1-36 are present.

Claim Objections

2. Claim 11 is objected to because of the following informalities: Claim 11 depends from claim 13 which is improper. Claim 11 should depend from 10. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 16, 24-28, 31, 33-34 are rejected under 35 U.S.C. 102(a) as being anticipated by Sawada et al.

a. In EP 1 106 381 A1, Sawada et al. teach a planographic printing plate precursor comprising an aluminum substrate and a photosensitive layer comprising an infrared absorbing agent and a water-insoluble and alkali aqueous solution-soluble polymer compound (abstract). Polyethylene oxide can be used as a binder polymer. For enhancing strength, polyethers can be used also (page 28, lines 28-30). The photosensitive layer comprising an infrared absorbing agent, a water-insoluble and alkali aqueous solution-soluble polymer compound and a polyethylene oxide and/or polyether binder polymer meet the present limitations for the negative working bottom

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layer comprising the IR-sensitive composition comprising a polymeric binder with polyether groups. The printing plate of Sawada et al. can further comprise a protective layer which prevents oxygen from mixing into the photosensitive layer and enables exposure in atmosphere (page 31, lines 7-14). Polyvinyl alcohol, polyvinylpyrrolidone, acidic celluloses, gelatin, gum Arabic, polyacrylic acid and the like can be used for in the protective layer (page 31, lines 17-29). The protective layer meets the present limitations for the oxygen-impermeable top layer. As the exposure mechanism, any of an inner surface drum method, outer surface drum method, flat bed method and the like is acceptable according to Sawada et al. (page 32, lines 33-39).

Allowable Subject Matter

5. Claims 17-23, 29-30, 32, 35-36, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is a statement of reasons for the indication of allowable subject matter:

a. There is no teaching or suggestion in Sawada et al. (EP 1 106 381 A1) of a polymeric binder which does not comprise acid groups having a pKa value less than or equal to 8 or at least one polycarboxylic acid as required in the present application. In US 2003/0003399 A1, Muller et al. do not teach the first and second polymeric binder required in the present application.

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7. Claims 1-10, 12-15 are allowed.

8. The following is an examiner's statement of reasons for allowance:

a. There is no teaching or suggestion in Sawada et al. (EP 1 106 381 A1) of a polymeric binder which does not comprise acid groups having a pKa value less than or equal to 8 or at least one polycarboxylic acid as required in the present application. In US 2003/0003399 A1, Muller et al. do not teach the first and second polymeric binder required in the present application.

b. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. In US 2003/0118939 A1, Munnelly et al. teach high speed negative working thermal plates.

b. In US 2003/0064318 A1, Huang et al. teach on-press developable IR sensitive printing plates using binder resins having polyethylene oxide segments.

c. In US 2002/0197564 A1, Timpe et al. teach stabilized infrared-sensitive polymerizable systems.

d. In US 6,309,792 B1, Hauck et al. teach IR-sensitive composition and use thereof for the preparation of printing plate precursors.

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- e. In US 5,942,372, West et al. teach sensitized photopolymerizable compositions and use thereof in lithographic printing plates.
- f. In US 4,971,892, Ali et al. teach high sensitivity photopolymerizable composition.
- g. In US 4,228,232, Rousseau teach photopolymerizable composition containing ethylenically unsaturated oligomers.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barbara Gilliam whose telephone number is 703-305-1330. The examiner can normally be reached on Monday through Thursday, 8:00 AM - 5:30 PM.

a. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janet Baxter can be reached on 703-308-2303. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

b. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

Barbara Gilliam

Barbara Gilliam
Examiner
Art Unit 1752

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